

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SANOFI-AVENTIS and)	
SANOFI-AVENTIS U.S. LLC,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 07-572 (GMS)
)	
ACTAVIS SOUTH ATLANTIC LLC,)	
AUROBINDO PHARMA LTD.,)	
AUROBINDO PHARMA USA INC.,)	
MYLAN PHARMACEUTICALS INC., PAR)	
PHARMACEUTICAL, INC., RANBAXY)	
INC., RANBAXY LABORATORIES)	
LIMITED, SUN PHARMACEUTICAL)	
INDUSTRIES, INC., SUN)	
PHARMACEUTICAL INDUSTRIES LTD,)	
TEVA PHARMACEUTICALS USA, INC.,)	
TORRENT PHARMA INC. and TORRENT)	
PHARMACEUTICALS LIMITED,)	
)	
Defendants.)	

**PLAINTIFFS' REPLY TO DEFENDANT AUROBINDO
PHARMA USA INC.'S COUNTERCLAIMS**

Plaintiffs sanofi-aventis and sanofi-aventis U.S. LLC, for their reply to the numbered paragraphs of the counterclaims of defendant Aurobindo Pharma USA, Inc. ("Aurobindo Inc."), hereby state as follows:

1. Admitted, upon information and belief.
2. Admitted, upon information and belief.
3. Admitted.
4. Admitted.
5. Admitted that Aurobindo Ltd. purports to state declaratory judgment counterclaims that arise under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and the Medicare Prescription Drug,

Improvement, and Modernization Act of 2003, Pub. L. No 108-173, 117 Stat. 2066 (2003) (21 U.S.C. § 355(j) and 35 U.S.C. § 271(e)(5)), but denied that there is any factual or legal basis for these counterclaims.

6. Admitted.

7. Plaintiffs do not contest personal jurisdiction in this Court for this Action; to the extent that Paragraph 6 contains any other or further allegations, they are superfluous allegations to which no response is required.

8. Plaintiffs do not contest venue in this Court for this Action.

9. Admitted.

10. Admitted that sanofi-aventis is the assignee of the '491 patent and has a right to enforce the '491 patent.

11. Admitted, except denied that the '940 patent issued to anyone named Busto Arisizio.

12. Admitted that sanofi-aventis is an assignee and exclusive licensee of the '940 patent and has a right to enforce the '940 patent.

13. Admitted.

14. Admitted.

15. Plaintiffs restate and incorporate by reference their responses to the allegations contained in Paragraphs 1-14 as though set forth specifically herein.

16. Admitted, except denied that there is any justiciable controversy as to the enforceability of the '491 patent.

17. Denied.

18. Denied.

19. Plaintiffs restate and incorporate by reference their responses to the allegations contained in Paragraphs 1-18 as though set forth specifically herein.

20. Admitted.

21. Denied.

22. Denied.

23. Plaintiffs restate and incorporate by reference their responses to the allegations contained in Paragraphs 1-22 as though set forth specifically herein.

24. Admitted, except denied that there is any justiciable controversy as to the enforceability of the '940 patent.

25. Denied.

26. Denied.

27. Plaintiffs restate and incorporate by reference their responses to the allegations contained in Paragraphs 1-26 as though set forth specifically herein.

28. Admitted.

29. Denied.

30. Denied.

Wherefore, Plaintiffs deny that Aurobindo Inc. is entitled to any relief, either as prayed for in its Counterclaims or otherwise.

Plaintiffs further deny each allegation contained in Aurobindo Inc.'s Counterclaims that was not specifically admitted, denied, or otherwise responded to in this Reply to Defendant Aurobindo Pharma USA Inc.'s Counterclaims.

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Dated: November 28, 2007

CERTIFICATE OF SERVICE

I hereby certify that on November 28, 2007 I electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing to:.

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I further certify that I caused to be served copies of the foregoing document on November 28, 2007 upon the following in the manner indicated:

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